



SPECIAL MEETING
TOWN OF LOS GATOS
TOWN COUNCIL POLICY COMMITTEE

Council Policy Committee – (2016)

AGENDA

Marico Sayoc, Vice Mayor
Marcia Jensen, Council Member

TOWN COUNCIL CHAMBERS
110 EAST MAIN STREET
March 7, 2016 – 10:30 A.M.

MEETING CALLED TO ORDER

ROLL CALL

VERBAL COMMUNICATIONS *(Three minute time limit)*

1. Approval of the February 25, 2016 Council Policy Committee Draft Minutes
2. Review, discuss, and make recommendations to the Council on next steps regarding:
 - a. Draft resolutions for formula retail and the suspension of ordinance 2021;
 - b. Current status of the outdoor seating and alcohol and entertainment policies;
 - c. Benchmarking on how other jurisdiction regulate restaurant seats; and,
 - d. Framework for economic vitality initiatives.

ADJOURNMENT

Enclosures:

1. February 25, 2016 Policy Committee Draft Minutes (Item 1)
2. Formula Retail (Item 2)

cc: Post *(also posted on Town Web)*
Town Council

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Manager's Office at (408) 354-6834. Notification 48 hours before the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting [28 CFR §35.102-35.104]

DRAFT

TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE
February 25, 2016, 10:00 a.m.

110 E. Main Street
Town Council Chambers
Los Gatos, California

MINUTES

Call to Order

The Council Policy Committee meeting was called to order at 10:00 a.m.

Members and Staff present:

Vice Mayor Marico Sayoc
Councilmember Marcia Jensen
Jennifer Callaway, Assistant Town Manager
Lynne Lampros, Deputy Town Attorney
Joel Paulson, Interim Community Development Director
Christina Gilmore, Assistant to the Town Manager

Verbal Communications

Jim Foley spoke in support of Formula Retail option #2, #3, or #4, and to encourage growth and vitality in the Downtown.

Jason Farwell agreed with Mr. Foley's comments and did not think the downtown would be inundated with Formula Retail requests due to the lengths of property leases. Mr. Farwell supported a pilot one year suspension of Formula Retail.

Jeff Janoff spoke in favor of a Civic Center Use policy that favored a first come, first served special event permit consideration, events that were free and open to the public, and a policy that streamlined the special event permit process for Civic Center tenants.

Lisa Coscino shared that NUMU would be interested in holding two events a year on the Civic Center lawn, and that a lead time of six to twelve months was needed for approvals and planning of future events.

Agenda Items

**1. Approval of January 27, 2015 Council Policy Committee Meeting Minutes
Committee Action:**

The Committee unanimously approved the draft minutes with the following changes:

- Pg. 1 In the title, change the minutes to reflect a meeting call to order time of 10:00 a.m.

2. Select a Council Policy Committee Chair

The Committee unanimously approved Councilmember Marcia Jensen as the Committee Chair.

3. Review and Discuss a Potential Formula Retail Definition and Related Issues

The Committee reviewed and discussed the potential Formula Retail Definition and Related Issues, and unanimously supported option #3, drafting a nimble policy. The Committee directed staff to return on March 7, 2016 for review and discussion of the following:

- A resolution that suspends N and O on the CUP table, keeps the definition of formula retail within the Town code, but suspends the process, and a suspension of Ordinance 2021
- The Design Review Committee (DRC) will be a secondary option if a resolution is not supported
- The pilot program should be implemented for a minimum of one year

The Committee will review the formula retail resolution with the intent of reporting out to the Town Council on March 15, 2016 pending Mayoral approval.

4. Provide direction for Town Sponsored or Co-Sponsored Events

The Committee directed staff to return at the March 24, 2015 Policy Committee meeting with criteria for Town Sponsored or Co-Sponsored events to be held on the Civic Center lawn that includes:

- Establishing criteria for cost recovery of events
- Eliminating the criteria of a Town sponsored or co-sponsored event
- Events should be free and open to the entire community to attend
- Scheduling of events should be on a first come, first served basis
- Tenants of the Civic Center should not be entitled to a separate streamlined process
- Annual, recurring events should enter into agreements with the Town
- Ensure that the process is fair and clear

Meeting adjourned at 11:27 a.m.



MEETING DATE: 03/07/16
ITEM NO: 2

POLICY COMMITTEE REPORT

DATE: MARCH 1, 2016

TO: POLICY COMMITTEE

FROM: LAUREL PREVETTI, TOWN MANAGER *Laurel Prevetti*

SUBJECT: REVIEW, DISCUSS, AND MAKE RECOMMENDATIONS TO THE COUNCIL ON NEXT STEPS REGARDING:

- A. DRAFT RESOLUTIONS FOR FORMULA RETAIL AND THE SUSPENSION OF ORDINANCE 2021;
- B. CURRENT STATUS OF THE OUTDOOR SEATING AND ALCOHOL AND ENTERTAINMENT POLICIES;
- C. BENCHMARKING ON HOW OTHER JURISDICTION REGULATE RESTAURANT SEATS; AND,
- D. FRAMEWORK FOR ECONOMIC VITALITY INITIATIVES.

RECOMMENDATION:

Review, discuss, and make recommendations to the Council on next steps regarding:

- A. Draft resolutions for formula retail and the suspension of ordinance 2021;
- B. Current status of the outdoor seating and alcohol and entertainment policies;
- C. Benchmarking on how other jurisdiction regulate restaurant seats; and,
- D. Framework for economic vitality initiatives.

BACKGROUND:

In September 2015 the Town Council began discussing a variety of issues that relate to businesses in Los Gatos including how the Town regulates formula retail businesses, outdoor seating, and seating allowances for restaurants in general, among several others. These issues have been brought forward to the Council at various meetings between September 2015 and now, with the most recent discussion

PREPARED BY: MONICA RENN
Economic Vitality Manager

Reviewed by: *PC* Assistant Town Manager NA Town Attorney NA Finance

PAGE 2

POLICY COMMITTEE

SUBJECT: REVIEW AND DISCUSS: DRAFT RESOLUTIONS FOR FORMULA RETAIL AND ORDINANCE 2021; STATUS OF THE OUTDOOR SEATING, ALCOHOL, AND ENTERTAINMENT POLICIES; BENCHMARKING ON RESTAURANT SEATS/PARKING; AND, FRAMEWORK FOR ECONOMIC VITALITY INITIATIVES.

MARCH 1, 2016

BACKGROUND (cont'd):

being focused around formula retail businesses. At their February 2, 2016 meeting, the Council referred this issue to the Policy Committee for review and recommendation back to the full Council.

The Policy Committee met on February 25, 2016 to discuss the Town's formula retail regulations and received public comment that covered a variety of business related concerns daylighting the complicated relationship and crossover of many of the Town's business processes and issues. From the conversations that developed at the meeting, the Policy Committee asked to have a variety of items come back to them for further discussion and review with the intent to forward one or more recommendations to the Council for their March 15, 2016 meeting.

One of these discussion points was an update on the Town's Outdoor Seating Policy. On December 2, 2015, the Council adopted an Outdoor Seating Policy allowing restaurants to apply for an outdoor seating permit as long as they do not exceed the total number of seats allowed by their Conditional Use Permit (CUP) and full ADA access may be maintained (Attachment 1). To date no permit requests have been received by Town staff. The remaining discussion points are addressed individually below in the discussion section of this report.

Additionally, in the context of identifying potential opportunities that may bring greater vitality and expanded latitude for business models into Los Gatos, the Policy Committee asked for an update on the status and last review of the draft Alcohol and Entertainment policy which was discussed by the Town Council in a study session on November 3, 2015. In addition, the Policy Committee requested ideas around integrating place making or pop-up events in Town however due to the short turnaround time of this report, staff was unable to do specific benchmarking on these topics and will return at a future Policy Committee or Council meeting based on the Committee's recommendation.

DISCUSSION:

Formula Retail

At the request of the Town Council, the Policy Committee discussed the current role formula retailers play in the Town's mix of retail businesses and considered several options that may provide greater opportunities for businesses to locate within Los Gatos.

Of those options considered, the Policy Committee agreed that a more nimble policy is the preferred approach and enacting a resolution that suspends the provisions requiring formula retailers to obtain a CUP for a minimum of one year would give the Town the opportunity to cautiously watch this change and monitor its effects on the business mix of Los Gatos. Public comment from two property and business owners at the Policy Committee meeting included the information that most buildings have long term leases making it difficult for many new tenants to immediately move in, and the character of the Downtown including floor plate shape, size, and building owner desires for their properties are not ideal for many formula retailers. As a result, it was of both public speakers experience and opinion that the Town would not experience a large influx of formulas. For commercial zones outside of

PAGE 3

POLICY COMMITTEE

SUBJECT: REVIEW AND DISCUSS: DRAFT RESOLUTIONS FOR FORMULA RETAIL AND ORDINANCE 2021; STATUS OF THE OUTDOOR SEATING, ALCOHOL, AND ENTERTAINMENT POLICIES; BENCHMARKING ON RESTAURANT SEATS/PARKING; AND, FRAMEWORK FOR ECONOMIC VITALITY INITIATIVES.

MARCH 1, 2016

DISCUSSION (cont'd):

downtown, formula retail restrictions are less stringent, requiring only those over 6,000 square feet to obtain a CUP and the Town does not have a situation in these zones where formula stores are abundantly replacing independent retailers. The specific plan that was adopted for the North 40 allows all formula retail businesses to operate without a CUP. The Policy Committee asked staff to return with a draft resolution that suspends the need for formula retailers to obtain a CUP for a minimum of one year, at which time the Policy Committee and/or Town Council could review any concerns (Attachment 2).

As an alternative, the Policy Committee discussed that the deciding body could be amended to the Development Review Committee (DRC) rather than the Planning Commission for formula retail CUPs. This would reduce the process time by about 50% and the cost of the CUP from \$6,735.09 to \$4,098.34.

Ordinance 2021

The Town currently has a standalone ordinance (Attachment 3) that was adopted in 1996 to preserve commercial space in the Downtown C-2 zone for retailers and discourage the spaces from becoming restaurants. Within this ordinance, there is a statement made about the retailers being the major draw of daytime visitors to Downtown. Given the vastly different retail climate of 2016, and the availability of online shopping, customers tend to visit all commercial uses for the experience and service provided. Strongly discouraging the displacement of retail uses with restaurant, and having rigid definitions and regulations in place are no longer relevant or supportive of a vital shopping district and will likely continue to lead to increased commercial vacancies.

Staff has drafted a resolution suspending this ordinance for the review of the Policy Committee and potential recommendation to the Council (Attachment 4).

Seats to Parking, Benchmarking information

The Policy Committee requested information on how other jurisdictions regulate seats in their restaurants. Attachment 5 contains the benchmarking information that was shared with the Council and Planning Commission in their respective staff reports regarding seats to parking in other jurisdictions. Staff has not done additional benchmarking on this issue, and is awaiting a recommendation from the Planning Commission back to the Council. The Council first discussed the relationship of seats to parking spaces on December 7, 2015, and asked that the Planning Commission consider this. The Planning Commission began their discussion at their January 13, 2016 meeting and continued it to a special meeting, scheduled for March 16, 2016.

Alcohol and Entertainment Draft Policy

The topics of Alcohol and Entertainment have been in consideration for several years. Most recently, the Council held a study session on November 3, 2015. At this time, a motion was made directing staff to prepare a draft ordinance specific to alcoholic beverage service and entertainment that lists clear parameters for when a CUP would be required for alcohol service, and when an operating permit would

MARCH 1, 2016

DISCUSSION (cont'd):

be required for entertainment. The motion failed, 2/3 with Council Members Jensen, Spector, and Leonardis opposing.

Following the failed motion, the Council provided direction on a variety of items including the two items below as they pertain to Alcohol and Entertainment, with the overall goal of making the process easier for businesses:

- Identify clear parameters where a business would not need a CUP. If a restaurant or establishment wanted to go beyond those set parameters, then perhaps a permit would be required.
 - Suggestions given within the context of this meeting for acceptable activities included alcohol service at a full service restaurant and ancillary entertainment before a set time.
- Prepare a draft ordinance that would go to Planning Commission for consideration and a public hearing, that would essentially use the framework of the existing policy, simplify it to be very clear about the operational parameters and when a permit would be needed.

These parameters and a draft ordinance have yet to be agendized. Staff will prepare and bring forward these requests to the Planning Commission at a future meeting.

Economic Vitality Initiatives

On August 18, 2015, three Council Members voted to include an Economic Vitality strategic plan within this year's Council adopted strategic priorities. Staff was asked to develop a plan that provides guidance for enhanced and increased vibrancy in Downtown, and overall Town vitality that attracts residents to shop, dine and stay. Encompassed within this goal were specific topics, summarized below:

- Evaluate and make necessary changes to Town policies to encourage businesses to innovate their business plans/models
- Close Downtown streets for special events
- Update the streetscape in Downtown to create an enhanced visitor experience
- Consider the implementation of parklets within the Downtown

With the variety of retail and restaurant related issues that the staff has brought forward to the Policy Committee, Planning Commission, and Town Council since the adoption of this priority, progress is being made towards encouraging business opportunities. Attachment 6 includes draft Economic Vitality initiatives that further address this strategic priority and provides some guidance for various

PAGE 5

POLICY COMMITTEE

SUBJECT: REVIEW AND DISCUSS: DRAFT RESOLUTIONS FOR FORMULA RETAIL AND ORDINANCE 2021; STATUS OF THE OUTDOOR SEATING, ALCOHOL, AND ENTERTAINMENT POLICIES; BENCHMARKING ON RESTAURANT SEATS/PARKING; AND, FRAMEWORK FOR ECONOMIC VITALITY INITIATIVES.

MARCH 1, 2016

DISCUSSION (cont'd):

discussions that are likely to continue to take place around the Town's Economic Vitality and business permitting processes.

The Policy Committee may wish to review and discuss the draft initiatives within the context of creating and amending policies that affect them. Staff will be bringing this draft framework forward to the full Council for review and recommendation at a future meeting. Additionally, the outcome of the policies that are currently in the process of being reviewed could play a role in the achievement towards these draft initiatives and may guide future Policy Committee and Council discussions.

CONCLUSION AND NEXT STEPS:

Following this discussion, the Policy Committee may make a recommendation to the Council on the draft resolutions to suspend formula retail CUP requirements and Ordinance 2021, provide input on the next steps for alcohol, entertainment, and Economic Vitality initiative planning, and provide direction on other Economic Vitality related issues.

Attachments:

1. Outdoor Seating Policy
2. Draft resolution suspending the CUP process for formula retail
3. Ordinance 2021
4. Draft resolution suspending Ordinance 2021
5. Benchmarking on other jurisdiction metric for determining seat counts in restaurants
6. Draft framework for Economic Vitality initiatives



TITLE: OUTDOOR SEATING RULES AND REGULATIONS

POLICY NUMBER: 1-02

EFFECTIVE DATE: 12/2/15

PAGES: 3

ENABLING ACTIONS:

REVISED DATE:

APPROVED:

I. PURPOSE

The Town of Los Gatos recognizes that dining outdoors enhances the customer experience and is an amenity that should be available to restaurants throughout the Town.

II. DEFINITIONS

The following words, terms, and phrases when used in these rules and regulations, shall have the following meanings:

ADA Clearance means the required access on sidewalks and public right-of-ways as defined by the Americans with Disabilities Act, which is a 48-inch clear path of travel.

Permittee means a business applying for the outdoor seating permit.

III. APPLICATION

The application for outdoor seating shall be on a form provided by the Community Development Department, with final approval from both the Community Development and Parks and Public Works Departments. The Application shall contain the following minimum information. Applicants may be required to provide additional information as determined by the Community Development or Parks and Public Departments. Every restaurant in Town is eligible to apply for outdoor seating, regardless of provisions in its Conditional Use Permit (CUP), if the CUP approval date is prior to the approval of this Policy.

1. The names, addresses, and telephone numbers of the applicant, co-applicant(s), and the property owner if the applicant is a lessee;
2. A scaled plan of the proposed location of the outdoor seating including any fixtures present including but not limited to newspaper racks, public benches, planters, trees, etc.
3. The written consent of the property owner and any other tenant(s) occupying the property;

TITLE: OUTDOOR SEATING RULES AND REGULATIONS	PAGE: 2 of 3	POLICY NUMBER: 1-02
---	------------------------	-------------------------------

4. The hours and days of operation of the business;
5. The type and amount of furniture that will be used to provide the seating;
6. An approved encroachment permit will be required for any placement of outdoor seating on public right-of-way and can be completed as a part of the outdoor seating permit process;
7. Proof of insurance as required by Section V herein;
8. Signed indemnity and release forms that indemnify the Town and its officers and employees against all claims of injury or damage to persons or property arising out of the use of outdoor seating; and
9. Any other information reasonably required by the Departments for the purpose of processing the permit application under the requirements of this policy.

IV. STANDARDS OF OPERATION

A permittee shall comply with the following standards of operation and any other standards of operation adopted by the Town Council:

- A. A business must comply with the total number of seats allowed by their currently approved Conditional Use Permit (CUP), regardless if they are placed in or outdoors.
- B. Outdoor furniture approved for use in public right-of-way must only be outdoors during the permittee's hours of operation, and may not be secured with chains, locks or other securing mechanisms, unless explicitly allowed within the approved CUP.
- C. At no time may any outdoor seating limit ADA access to less than 48 inches.
- D. Businesses serving alcohol must comply with the Alcohol and Beverage Control's regulations for alcohol service and consumption outdoors.

V. INDEMNIFICATION AND INSURANCE

The permittee shall forever indemnify and hold harmless the Town and all of its agents, employees and representatives from and against all claims, damages, losses, suits and actions, including attorney's fees, arising or resulting from said operation of outdoor seating. In addition, the permittee shall obtain general liability insurance in an amount no less than \$1,000,000.00, and shall name the Town as an additional insured on said policy. A copy of the certificate of insurance shall be provided to the Town and shall become a part of any permit executed by the Town.

VI. DENIAL, REVOCATION OR SUSPENSION OF PERMIT

A. A permit shall be denied if all of the standards of operation cannot be met, and may be revoked if:

1. The Applicant fails to comply with the requirements of the Town Code, this policy, or any other applicable law; or
2. The applicant makes a false statement of material fact on an application for an outdoor seating permit;
3. The Departments determine that the placement of the outdoor seats would endanger the safety of persons or property or otherwise not be in the public interest; or
4. The Departments determine that the outdoor seats unreasonably interfere with pedestrian or vehicular traffic.

B. The Town Manager may temporarily suspend the ability of outdoor seating if he or she determines that use of the outdoor seats is causing undue public right-of-way congestion, blocking or impeding the flow of traffic, or posing a public safety hazard.

VIII. INFRACTION AND PENALTY

An infraction is committed if outdoor seating is operated without a valid outdoor seating permit or if a permittee is found to be non-compliant with the approved permit, or any rules and regulations promulgated by the Town Council.

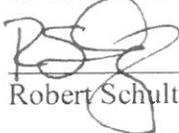
IX. APPEAL PROCESS

Any aggrieved party shall have the right to appeal the denial, suspension or revocation of an outdoor seating permit, or the issuance of an infraction. Such appeals shall proceed in the manner set forth in the Town Code.

X. SAVING CLAUSE

Should any portion of this Policy be rendered ineffective by a Court of competent jurisdiction, the remaining parts shall remain in full force and effect.

APPROVED AS TO FORM:



Robert Schultz, Town Attorney

Draft Resolution to be modified by Town Council deliberations and direction.

RESOLUTION 2016-__

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS SUSPENDING CONDITIONAL USE PERMIT
REQUIREMENTS FOR FORMULA RETAIL BUSINESSES**

WHEREAS, the Los Gatos Town Council recognizes the changing retail environment and the need for the Town to be more nimble in policies that allow various businesses to locate in Town; and,

WHEREAS, a one year suspension of the requirement for formula retail businesses to obtain a Conditional Use Permit allows for greater business opportunities and offers the Council, community, and staff the ability to cautiously monitor the effects on the character of Los Gatos shopping districts.

NOW, THEREFORE, BE IT RESOLVED:

1. The Town Council hereby establishes a suspension of the regulations on formula retail for a minimum of one year from the date of the adoption of this resolution.
2. During the suspension or following the review and recommendation of the Council, this suspension may become permanent by a Town Code Amendment.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 15th day of March, 2016, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

N:\MGR\AdminWorkFiles\Council Committee - POLICY\2016\March 7 Special Meeting\Attachments for Report\Draft Reso for Formula suspension.docx

ORDINANCE 2021

**ORDINANCE OF THE TOWN OF LOS GATOS
AMENDING CHAPTER 29 TO PROVIDE A MORE COMPREHENSIVE REVIEW OF
ADDITIONAL RESTAURANT USE IN THE DOWNTOWN AREA**

THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES ORDAIN AS
FOLLOWS:

SECTION I

The C-2 (Central Business District Commercial) zone of the Town of Los Gatos contains a mix of retail, restaurant, and associated uses that sustains the economic vitality and historic atmosphere of the area, and is an essential part of the community. However, too many restaurants concentrated in this one area would displace retail uses that are vital to continued success and to having businesses that attract Town residents throughout the day. This ordinance is intended to discourage the displacement of retail uses by restaurant uses by requiring the Planning Commission to conduct a careful review of all applications for new restaurant uses in the C-2 zone through the public hearing process.

SECTION II

Section 29.10.020 is amended to read as follows:

Bar means a drinking place where alcoholic beverages and snacks are served; possibly with entertainment such as music, television screens, video games or pool tables.

Restaurant, fast food means a restaurant with a large carry-out clientele, long hours of service, some open for breakfast but all open for lunch and dinner, and high turnover rates for eat-in customers.

Restaurant, high turnover (sit-down) means a restaurant with turnover rates generally of less than one hour, is usually moderately priced and frequently belong to a restaurant chain, generally serve breakfast, lunch and dinner, and are sometimes open 24 hours a day.

Restaurant, quality means a restaurant of high quality and with turnover rates usually of at

least one hour or longer, generally do not serve breakfast, may not serve lunch, but always serve dinner.

SECTION III

Subsection (16) of Section 29.20.745 is amended to read as follows:

- (16) Determine and issue zoning approval for minor restaurants that are located outside Downtown [the C-2 zone].

SECTION IV

Subsection (8) of Section 29.20.750 is amended to read as follows:

- (8) Determines conditional use permit applications that are not assigned to the Development Review Committee.

SECTION V

This ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on August 5, 1996 and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on September 16, 1996. This ordinance takes effect 30 days after it is adopted.

COUNCIL MEMBERS:

AYES: Joanne Benjamin, Steven Blanton, Linda Lubeck, Patrick O'Laughlin, Mayor Randy Attaway.

NAYS: None

ABSENT: None

ABSTAIN: None

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:



CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

RESOLUTION 2016-__

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS RESCINDING ORDINANCE 2021**

WHEREAS, the Los Gatos Town Council adopted Ordinance 2021 in 1996 to ensure that a more careful public review was given to all new restaurants applying to replace a retail location within the Downtown C-2 zone and to discourage the replacement of retail with restaurant uses; and,

WHEREAS, when Ordinance 2021 was adopted, the retail environment was much different than it is in 2016 and there was a greater demand for brick and mortar retail spaces; and,

WHEREAS, a new ordinance could be adopted if the Council determines it necessary after monitoring the effects of this rescission.

NOW, THEREFORE, BE IT RESOLVED:

The Town Council hereby rescinds Ordinance 2021 given that the circumstances and commercial environment in which it was adopted have significantly changed making this ordinance no longer necessary because it is currently hindering business opportunities in Los Gatos.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 15th day of March, 2016, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

BENCHMARKING ON SEATING REQUIREMENTS

JURISDICTION	REQUIREMENTS FOR EATING/DRINKING ESTABLISHMENTS
Los Altos	3 seats per 1 parking space. City does not count outdoor seats in total seat count.
Saratoga	One space for each seventy-five square feet of floor area. In addition, if the restaurant has outdoor dining, one space for each seventy-five square feet of outdoor dining area shall also be provided.
Morgan Hill	1 parking space is required for every 100 square feet of gross floor area, and seats are only limited by the fire code.
San Jose	<p>Drinking Establishments: 1 space per 2.5 seats or 1 space per 40 square feet of drinking area, whichever requires the greater number of parking spaces</p> <p>Entertainment (with any food or alcohol service): 1 space per 40 sq. ft. of area open to the public</p> <p>Outdoor dining incidental to a public eating establishment or a retail establishment: 0 spaces up to 25 seats, 1 space per 2.5 for seats over 25</p> <p>Public eating establishments: 1 space per 2.5 seats or 1 space per 40 square feet of dining area, whichever requires the greater number of parking spaces</p> <p>Take-out only establishment (including but not limited to pizza delivery, ice cream shops, doughnut shops): 1 per 75 sq. ft. of area open to the public, minimum of 5 spaces, plus 1 per delivery vehicle (if applicable)</p> <p>Downtown Restaurants in San Jose do not require parking.</p>
Campbell	<p>Downtown: 1 space per 4 seats</p> <p>Outside of Downtown: Eating/Drinking establishments with no drive-thru: 1 space for 3 seats indoor or outdoor, plus 1 space for each 200 SF of non-dining floor area.</p> <p>Take-out only dining with no seats: 1 space for 250 SF, but not less than 2 spaces</p>
Menlo Park	Requires 6 parking spaces per 1,000 square feet of space.
Cupertino	<p>Restaurant/Bar and Nightclubs: 1/3 seats + 1/employee + 1/36 sq. ft. of dance floor</p> <p>Restaurants without Separate Bar: 1/4 seats + 1/employee + 1/36 sq. ft. of dance floor</p> <p>Restaurant - Fast Food: 1/3 seats + 1/employee</p>
Palo Alto	<p>For California Avenue Parking Assessment District:</p> <p>With drive-in or take-out facilities: 3 per 100 sf of gross floor area</p> <p>All others: 1 per 155 sf of gross floor area</p> <p>With drive-in or take-out facilities: 3 per 100 sq. ft. of gross floor area</p> <p>All others: 1 space for each 60 gross sq. ft. of public service area, plus 1 space for each 200 gross sq. ft. for all other areas.</p>

BENCHMARKING ON SEATING REQUIREMENTS

Sunnyvale	<p>Restaurant without Bar: 1 space / 110 sq ft.</p> <p>Restaurant with Bar: 1/75 sq. ft.</p> <p>Bar Only: 1/50 sq. ft.: 1/50 sq. ft.</p> <p>Restaurants with 100% Fixed Seating and No Bar: 1/2 fixed seats + 1/400 sq. ft. of area not devoted to seating</p> <p>Outdoor Seating. Additional parking is required for outdoor seating exceeding twelve seats per business. Seats exceeding this amount are required to provide additional parking at the rate of 0.33 spaces per seat for each seat above twelve.</p>
Mountain View	<p>Restaurants, cafes, bars, other eating/drinking places</p> <p>Take-out only: 1 space for each 180 sq. ft. of gross floor area</p> <p>Fast food (counter service): 1 space for each 100 sq. ft.; minimum 25 spaces</p> <p>Table Service: 1 space for each 2.5 seats or 1 space for each 100 sq. ft. of gross floor area, whichever is greater</p> <p>Outdoor seating: 1 space for each 2.5 seats</p>
Benicia	<p>Maximum occupancy drives seat count, and seats drive parking. If occupancy allows more seats than parking, the establishment either reduces the number of seats or seeks a parking variance.</p>
Sacramento	<p>Fire Code dictates the maximum number of seats an establishment may have.</p>
Simi Valley	<p>Fire Code dictates the maximum number of seats an establishment may have.</p>
Lompoc	<p>Fire Code dictates the maximum number of seats an establishment may have.</p>
Redding	<p>3 seats per 1 parking space.</p>
Grover Beach	<p>California Building or Fire Code dictates the maximum number of seats an establishment may have.</p>

DRAFT Economic Vitality Initiatives

<p>Initiative 1: Business Retention & Attraction</p>	<p>Create opportunities for businesses locate, expand and innovate their business models in Los Gatos</p>	
<p>Action Items</p>	<p>A. Streamline and simplify business permitting</p> <p>B. Create more fluid use definitions to allow for the expanding and quick changing retail and restaurant climate</p> <p>C. Continue to high quality provide business liaison services</p>	
<p>Initiative 2: Resident & Customer Experience</p>	<p>Provide an enhanced experience for shopping, dining, and entertainment opportunities within Los Gatos</p>	
<p>Action Items</p>	<p>A. Create opportunities for place making and pop-up events</p> <p>B. Create opportunities for large scale community events</p> <p>C. Evaluate opportunities to increase parking and promote alternative transportation, including employee parking programs</p> <p>D. Evaluate opportunities to refresh and revitalize Downtown sidewalks and streetscapes</p>	
<p>Initiative 3: Branding & Marketing</p>	<p>Create a program that appropriately markets Los Gatos to residents, visitors, and prospective businesses</p>	
<p>Action Items</p>	<p>A. Create a branding that is comprehensive of the services offered by the Town</p> <p>B. Develop a marketing strategy</p>	